

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WISCONSIN

JUAN CONTRERAS,

Plaintiff,

v.

ORDER

KILOLO KIJAKAZI,
Acting Commissioner of Social Security

19-cv-669-jdp

Defendant.¹

Meredith E. Marcus, counsel for plaintiff Juan Contreras, moves under 42 U.S.C. § 406(b) for a fee award of \$23,359.25 after Contreras was awarded \$93,437.00 in past-due benefits. Dkt. 25. Counsel's requested fee represents 25 percent of Contreras's past-due benefits, so it falls within the amount allowed by statute and the parties' fee agreement. Dkt. 25-2. The commissioner does not oppose counsel's fee request. Dkt. 26.

The total amount of time that counsel's firm spent on this case for proceedings in this court was 34.45 hours, resulting in a proposed effective rate of \$678.06 per hour. Of the 34.45 hours, 28.8 hours were attorney time and the remainder was for counsel's legal and office assistants. Dkt. 25-4. Counsel's rate is elevated, but the court has approved similar and even higher rates under § 406(b) for comparable results. *See, e.g., DeBack v. Berryhill*, No. 17-cv-924-jdp, Dkt. 31 (W.D. Wis. May 4, 2020) (approving effective rate of \$800 per hour); *Fischer v. Saul*, No. 17-cv-327-jdp, 2019 WL 5310676 (W.D. Wis. Oct. 21, 2019) (approving effective rate of \$641 per hour); *Ferg v. Berryhill*, No. 15-cv-665-jdp, 2018 WL 3574874 (W.D. Wis. July 25, 2018) (approving effective rate of \$777 an hour). Counsel's requested fee is thus

¹ The court has updated the caption in accordance with Federal Rule of Civil Procedure 25(d).

within the bounds of what is reasonable in light of counsels' risk of non-recovery, the work she performed, the results she obtained, and the amounts awarded in similar cases. The court will grant counsel's motion. For simplicity, the court will subtract the \$6,252.46 fee that counsel received under the Equal Access to Justice Act, which would otherwise have to be refunded to Contreras.

ORDER

IT IS ORDERED that Meredith E. Marcus's motion for attorney fees under 42 U.S.C. § 406(b), Dkt. 25, is GRANTED. The court approve a representative fee of \$17,106.79.

Entered March 22, 2022.

BY THE COURT:

/s/

JAMES D. PETERSON
District Judge